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**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2006-1993

HAROLD CORNELIO SU-AY
6790 Huber Place
Alta Loma, CA 91701

A C C U S A T I O N

Vocational Nurse License No. VN 185858

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Bureau Chief of the Bureau of Vocational Nursing and Psychiatric Technicians (Bureau), Department of Consumer Affairs.
2. On or about September 23, 1998, the Bureau of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License No. VN 185858 to Harold Cornelio Su-Ay (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on December 31, 2007.

JURISDICTION

3. This Accusation is brought before the Bureau, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 9. Section 2878 of the Code states:

2 "The Bureau may suspend or revoke a license issued under this chapter [the
3 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

4 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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6 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or
7 abetting the violating of, or conspiring to violate any provision or term of this chapter.

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9 "(f) Conviction of a crime substantially related to the qualifications, functions,
10 and duties of a licensed vocational nurse, in which event the record of the conviction shall be
11 conclusive evidence of the conviction."

12 10. California Code of Regulations, title 16, section 2521, states:

13 "For the purposes of denial, suspension, or revocation of a license pursuant to
14 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or
15 act shall be considered to be substantially related to the qualifications, functions or duties of a
16 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a
17 licensed vocational nurse to perform the functions authorized by his license in a manner
18 consistent with the public health, safety, or welfare.

19 11. Section 125.3 of the Code provides, in pertinent part, that the Bureau may
20 request the administrative law judge to direct a licentiate found to have committed a violation or
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
22 and enforcement of the case.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Conviction of a Substantially Related Crime)**

25 12. Respondent is subject to disciplinary action under section 2878,
26 subdivision (f) and 490 of the Code, as defined in California Code of Regulations, title 16,
27 section 2521, in that Respondent has been convicted of a crime substantially related to the
28 qualifications, functions or duties of a licensed vocational nurse, as follows:

1 a. On or about April 4, 2007, Respondent was convicted by the Court on a
2 guilty plea for violating one count of Penal Code section 273a, subdivision (b), a misdemeanor
3 (cruelty to child by endangering health), in the Superior Court of California, County of San
4 Bernardino, Rancho Cucamonga Judicial District, Case No. MWV108825, entitled *The People of*
5 *the State of California v. Harold Cornelio Suay*. (sic)

6 b. The circumstances surrounding the conviction are that on or about July
7 24, 2006, while having the care and custody of his children Ryhne S., age 1, and Harold Suay,
8 age 4, Respondent willfully placed the children in a situation that endangered their health by
9 leaving them in a truck, strapped to child seats, in 102 degree weather, while he shopped in the
10 City of Upland, CA.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

13 13. Respondent is subject to disciplinary action under section 2878,
14 subdivisions (a) and (d) of the Code, in that Respondent committed acts which constitute
15 unprofessional conduct for the reasons stated in paragraph 10 above.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein
18 alleged, and that following the hearing, the Bureau issue a decision:

- 19 1. Revoking or suspending Vocational Nurse License No. VN 185858, issued
20 to Harold Cornelio Su-Ay.
- 21 2. Ordering Harold Cornelio Su-Ay to pay the Bureau of Vocational Nursing
22 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this
23 case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: September 3, 2008



TERESA BELLO-JONES, J.D., M.S.N., R.N.

Bureau Chief

Department of Consumer Affairs

Bureau of Vocational Nursing and Psychiatric Technicians

State of California

Complainant

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